

FEB - 8 2017

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

1:16-CR-02017-SAB

vs.

ADOLFO OCHOA-CORTEZ,

Defendant.

AGREEMENT FOR PRE-TRIAL DIVERSION

It is alleged by an Indictment returned by the Grand Jury on March 8, 2016, in Cause Number 1:16-CR-02017-SAB that ADOLFO OCHOA-CORTEZ committed the following offense against the United States in the Eastern District of Washington:

Count 1: Felon in Possession of a Firearm and Ammunition in violation of Title 18, United States Code, Section 922(g)(1).

Upon accepting responsibility for your behavior and by your signature on this Agreement, it appearing, after an investigation of the offense and your background, that the interests of the United States and your own interest and the interests of justice will be served by the following procedure, therefore:

On the authority of the Attorney General of the United States, by Michael C. Ormsby, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of 18 months from the date

1 of the filing of this Agreement, provided you abide by the following conditions and
2 the requirements of the Pre-Trial Diversion program set out below.

3 Should you violate any conditions of this supervision, the United States
4 Attorney or his designee may revoke or modify any conditions of this Pre-Trial
5 Diversion program or change the period of supervision for an additional period which
6 shall in no case exceed 18 months from the original termination date of the diversion
7 agreement. The United States Attorney may release you from supervision at any time.
8
9 The United States Attorney may at any time within the period of your supervision
10 reinstitute prosecution for this offense should you violate the conditions of this
11 supervision and will furnish you with notice specifying the conditions of your
12 program which you have violated. The decisions of the U.S. Attorney are made at his
13 sole discretion and are not subject to challenge.
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17 If, upon successful completion of the program and your period of supervision, a
18 Pre-Trial Diversion report is received to the effect that you have complied with all the
19 rules, regulations and conditions above mentioned, the pending indictment will be
20 dismissed.
21

22 CONDITIONS OF PRE-TRIAL DIVERSION

23 1. You shall not violate any law (federal, state and local). You shall
24 immediately contact your Pre-Trial Diversion supervisor if arrested and/or questioned
25 by any law enforcement officer for any reason including, but not limited to, traffic
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1 infractions. A traffic infraction, other than driving under the influence, will not be
2 deemed to be a violation of this agreement.

3 2. You shall be employed regularly at a lawful occupation or otherwise comply
4 with the terms of the special program described below. In the absence of a special
5 program, when out of work, you shall notify your diversion supervisor at once. You
6 shall consult him/her prior to job changes. In the event you are self-employed, you
7 shall permit your diversion supervisor and/or his/her designee to review all books,
8 accounts, receipts, and/or tax records kept or maintained in connection with said self-
9 employment.
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11
12 3. You shall continue to live in this judicial district. If you desire to move out
13 of the district, you shall obtain permission from your diversion supervisor so that the
14 appropriate transfer of program responsibility can be made prior to your relocation.
15

16 4. You shall report to your diversion supervisor as directed and keep him/her
17 informed of your whereabouts. Any failure to abide by the meeting or reporting
18 requirements established by your diversion supervisor will be deemed to be an
19 irrevocable violation of the instant Agreement.
20

21 5. You shall obtain and maintain, if legally possible, a valid driver's license and
22 the appropriate vehicle insurance.
23

24 6. You shall not possess a firearm.
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26 7. You shall abstain from the use of alcohol.
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1 8. You agree to comply with recommended drug and alcohol treatment, as
2 directed by your diversion supervisor.

3 8. You shall not possess, control and/or consume any controlled substance as
4 defined in Title 21, United States Code Section 802, unless the controlled substance is
5 prescribed by a licensed medical practitioner in conformance with Federal law. You
6 may not possess, control and/or consume marijuana, regardless of whether you have
7 been authorized medical marijuana under state law. Nor shall you possess or use
8 items commonly used for the consumption of such substances (drug paraphernalia), or
9 be in any place where such substances are located, controlled and/or consumed.
10

11 9. You shall submit to random urinalysis upon the request or at the direction of
12 your diversion supervisor.
13

14 10. You shall refrain from obstructing or attempting to obstruct or tamper, in
15 any fashion, with the efficiency and accuracy of any prohibited substance testing
16 which is required as a condition of release.
17

18 11. You shall abide by any no contact order currently or subsequently entered
19 by the state. Should the conditions of the no contact order change or the order itself
20 be removed, so shall your obligations under this agreement change.
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22 12. You understand that this agreement does not protect you from prosecution
23 for perjury, obstruction of justice, or any other offense should you commit any crime
24 during your participation in the pretrial diversion program.
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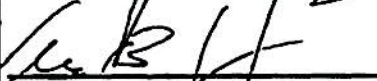
26 13. You shall strive to achieve the desired goals of the program.
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1 I, ADOLFO OCHOA-CORTEZ, assert and certify that I am aware of the fact
2 that the Sixth Amendment to the Constitution of the United States provides that in all
3 criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I
4 also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides
5 that the Court may dismiss an indictment, information, or complaint for unnecessary
6 delay in presenting a charge to the Grand Jury, filing an information, or in bringing a
7 defendant to trial. I hereby request that the United States Attorney for the Eastern
8 District of Washington defer any prosecution of me for Count 1, Felon in Possession
9 of a Firearm and Ammunition in violation of Title 18, United States Code, Section
10 922(g)(1) for a period of 18 months, and to induce him/her to defer such prosecution I
11 agree and consent that any delay from the date of this Agreement to the date of the
12 initiation of the prosecution, as provided for in the terms expressed herein, shall be
13 deemed to be a necessary delay at my request and I waive any defense to such
14 prosecution on the ground that such delay operated to deny my rights under Rule
15 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the
16 Constitution of the United States to a speedy trial or to bar the prosecution by reason
17 of the running of the statute of limitations for the effective period of this Diversion
18 Agreement.

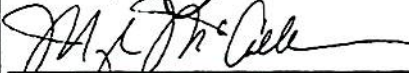
19 I hereby state that the above has been read by me and explained to me by my
20 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will
21 comply with them.
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ADOLFO OCHOA-CORTEZ

01/25/2017
DATE


ALEX B. HERNANDEZ
Attorney for Adolfo Ochoa-Cortez

01-25-17
DATE



MEGHAN M. McCALLA
Assistant United States Attorney

1-25-2016
DATE


U.S. PROBATION OFFICER

1/25/17
DATE

APPROVED without passing judgment on the merits or wisdom of this diversion.


STANLEY A. BASTAIN
United States District Court Judge

2/8/2017
DATE